

Town of Southern Shores

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Ordinance No. 2008-12-01

AN ORDINANCE OF THE SOUTHERN SHORES TOWN COUNCIL AMENDING THE TOWN'S ZONING ORDINANCE TO PROVIDE FOR THE ENLARGEMENT OR ALTERATION OF CERTAIN NON-CONFORMING STRUCTURES

Dare County, North Carolina

BE IT ORDAINED BY THE SOUTHERN SHORES TOWN COUNCIL AS FOLLOWS:

Article I: Purpose

The purpose of this Ordinance is to amend the Zoning Ordinance of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on July 7, 1981 and subsequently amended.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the adopted Town Code shall be shown in italics (*italics*).

Article III. Amend Section 5.02 Southern Shores Zoning Ordinance –

Sec. 5.02. Regulation of non-conformities.

C. Non-conforming structures. Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this article by reason of restriction on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains lawful, subject to the following provisions:

- 1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity. In the case of a structure on pilings with a non-conforming side, front or rear yard setback, enclosing the space below any portion of the structure does not increase its non-conformity unless the footprint of the structure within the non-conforming setback is increased by such enclosure. In the case of a residential primary structure with a non-conforming side yard setback which was compliant with the side yard setback in effect at the time of construction of the non-conforming portion of the structure, the enlargement or alteration of the structure in a manner which violates the current side yard setback does not increase the structure's non-conformity unless the enlargement or alteration also: (i) extends into the side yard beyond the existing non-conforming portion of the structure; or (ii) violates the side yard setback in effect at the time the non-conforming portion of the structure was initially constructed.*

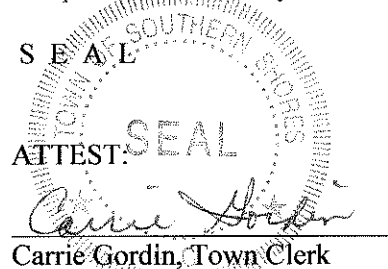
Article IV. Severability

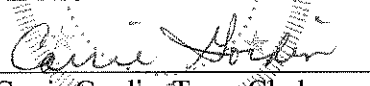
If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

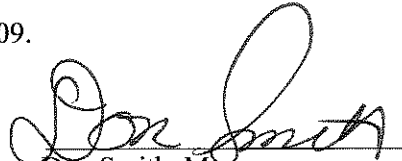
Article V: Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the 3rd day of February 2009.


The seal of the Town of Southern Shores, NC, is a circular emblem. It features the words "TOWN OF SOUTHERN SHORES" around the perimeter and "SEAL" in the center. Below the seal, the text "ATTEST:" is printed. To the right of "ATTEST:" is a handwritten signature of Carrie Gordin. Below the signature is a horizontal line, and below that is the printed name "Carrie Gordin, Town Clerk".

ATTEST: 
Carrie Gordin, Town Clerk


Don Smith, Mayor

VOTE: 5 Aye 0 Nay

Approved as to form:


Ben Gallop, Town Attorney

DATE OF FINAL RECOMMENDATION BY PLANNING BOARD:	DECEMBER 2, 2008
DATE INTRODUCED BY TOWN COUNCIL:	DECEMBER 2, 2008
DATES OF PUBLICATIONS:	JANUARY 15, JANUARY 22, 2009
DATE OF PUBLIC HEARING:	FEBRUARY 3, 2009
NAME OF NEWSPAPER:	COASTLAND TIMES